

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 10, 1959
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police.

Invocation was delivered by REV. J. T. BAYLESS, Grace Assembly of God, 5002 Caswell.

Councilman White moved that the Minutes of the meeting of September 3, 1959, be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

MR. MULLENS, representing the Ben Hur Shrine and the Potentate, MR. F. L. KUYKENDALL, invited the Council to participate in the Shrine Parade on October 26, 3:00 P.M.

MR. ROBERT POTTS, JR., Attorney representing MR. BURWELL POPE, submitted the request that the alley between Guadalupe and Whitis, and between 20th and 21st be named "POKER ALLEY". The apartment house "Poker Flats" is being demolished, and the property owners abutting the alley requested through Mr. Pope that the alley be named Poker Alley. After discussion, Councilman White moved that the request be granted, and the alley be so named. The motion, seconded by Mayor Miller (having relinquished the chair), carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CERTAIN CONTRACT WITH NELSON PUETT, JR.;

PROVIDING FOR THE APPROPRIATION OF MONEY PAID
TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND
DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
ENTER INTO A CERTAIN CONTRACT WITH ASSOCIATED
MANAGEMENT, INC.; PROVIDING FOR THE APPROPRIA-
TION OF MONEY PAID TO THE CITY OF AUSTIN UNDER
SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager be and he is hereby duly authorized and directed to execute a release of surface and sub-surface electric easement rights across Lot 26 of Manor Hills, Section 5, retaining however the right to maintain, repair, or replace all existing poles and down guys and retaining all aerial rights originally granted across the above described tract by that certain electric easement recorded in Book 412, page 174-175, Deed Records of Travis County, Texas.

The motion, seconded by Councilman Bechtol, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to execute a deed in behalf of the City of Austin conveying to Addie Lucas and Georgia B. Lucas two tracts of land as follows:

Tract No. 1 - 0.21 of one acre
Tract No. 2 - 0.13 of one acre

Both of said tracts being out of and a part of that certain tract of land out of the T. J. Chambers 8 League Grant conveyed to the City of Austin by Thos. P. Price et ux by deed dated July 29, 1947, of record in Volume 868 at page 125 of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman Perry, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 590903A, NO. 590903B, NO. 590903C, NO. 590903D, NO. 590903E, NO. 590903F, NO. 590903G, NO. 590903H, NO. 590903I, NO. 590903J, NO. 590903K, NO. 590903L, AND NO. 590903M, PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON SEPTEMBER 3, 1959, AND WHICH ARE OF RECORD IN BOOK 59 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; BY AMENDING THE CAPTION OF EACH OF SAID ORDINANCES AND BY AMENDING SECTION 4 OF EACH OF SAID ORDINANCES TO PROVIDE FOR AND SETTING A PUBLIC HEARING AT 3:00 P.M. ON THE

24TH DAY OF SEPTEMBER, 1959, IN THE CITY COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, ON SAID PAVING ASSESSMENT ORDINANCES; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Mayor announced that he had talked to MR. GORDON Tuesday about the Missouri-Pacific Right-of-way. He had scheduled a meeting here, but Mr. Gordon was called to St. Louis. The meeting date has now been set for Tuesday, September 22nd. The Council would ride over the proposed right-of-way with the railroad officials, on that date.

Regarding the J.E. ROBERTS zoning application at 200-02 East 17th Street from "A" Residence to "O" Office, the Mayor stated Mr. Joe Crow was to write a letter stating what he was going to construct. The Mayor read again the letter from Governor Price Daniel, the excerpt from minutes of State Building Commission Meeting of August 28th, and Memorandum of Meeting held March 4, 1959, (copied in full in Minutes of September 3, 1959) regarding the zoning in the Capitol Area. After discussion, Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF

THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE PORTION OF A TRACT OF LAND FRONTING APPROXIMATELY 92 FEET ALONG THE NORTH RIGHT OF WAY LINE OF EAST 17TH STREET AND APPROXIMATELY 138 FEET ALONG THE EAST RIGHT OF WAY LINE OF BRAZOS STREET, LOCALLY KNOWN AS 200-202 EAST 17TH STREET AND 1701-1705 BRAZOS STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, FROM "B" RESIDENCE DISTRICT AND THIRD HEIGHT AND AREA DISTRICT TO "O" OFFICE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Palmer suggested that the Planning Department go into this Capitol and surrounding area and work out the zoning rather than have each separate request submitted. The City Manager stated studies had been made on the uses, fire regulations, etc., and he would like to discuss this with the Council.

Councilman Palmer asked that the necessary information be brought before the Council regarding the zoning application of MRS. L. C. BANKS, 204 East 17th Street, from "A" Residence to "GR" General Retail, which was combined with the J. E. Roberts application when heard previously.

The Council set the appeal of the CONTINENTAL OIL COMPANY from the Planning Commission decision to deny its application for special permit for Gasoline Filling Station at East 32nd and Red River Streets, for 10:45 A.M., September 17th.

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the addition to a building located at 710 San Antonio Street and desires a portion of the sidewalk and street space abutting Lots 5, 6, and 7, Block 79, of the Original City of Austin, Travis County, Texas, during the addition to the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the center line of West 8th Street to a point 12 feet north of the south curb line; thence in a westerly direction and parallel to the center line of West 8th Street approximately 160 feet to a point; thence in a southerly direction and at right angles to the center line of West 8th Street to the north line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4 foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "NO PARKING" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting systems for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than April 1, 1960.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Perry, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman Perry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property

situated on the north side of West 6th Street as a private gasoline plant consisting of a 1000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Select Motors and is Lot 32, Block E, Outlot 2, Raymond Subdivision, Division Z, of the City of Austin, Travis County, Texas, and hereby authorizes the said Select Motors to operate a private gasoline plant consisting of a 1000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Select Motors has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
September 10, 1959

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Select Motors, by their agent, Roy A. Butler, for permission to operate a private gasoline plant consisting of a 1000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of West 6th Street, which property is designated as Lot 32, Block E, Raymond Subdivision, Division Z, Outlot 2, in the City of Austin, Travis County, Texas, and locally known as 900 West Sixth Street.

"This property is located in a Commercial "C" District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "No Smoking" signs shall at all times be prominently displayed and

no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The City Manager submitted a request for change order on the heating system at the Airport Terminal Building and explained the difficulty in proceeding as first planned; and instead of using water in the system, he recommended using an air source, due to the uncertainty of the well water available. He described the process, stating the equipment would run \$76,000 which would be more than the \$50,000 estimated to drill the well, and the uncertainty of the amount or type of water. The contractor is now at the stage where the architects and engineers need to know what kind of equipment is to be used. No action was taken at this time; but later in the meeting, Councilman Palmer moved that the Airport Terminal Change Order be approved, as suggested by the Architect and recommended by the City Manager. (Letter from Architect dated 9 September 1959 on file with Contract File Nos. 1576, 1577 and 1578) The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman Palmer moved that a hearing be set at 2:30 P.M. October 15th, on the air conditioning, heating and ventilating ordinance. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman Bechtol made inquiry about the paving program. The Director of Public Works gave a detailed report on the paving accomplished the past year, the utility schedules, and the amount of paving expected to be done this coming year. He stated there would be 375 to 400 blocks of paving done during the next budget year. After October 1st, there would be a great number of streets put under contract, every 30 to 45 days. Councilman Bechtol asked for a comparison of blocks paved this past 12 months as compared with the 12 months prior to that.

MR. ALLEN RUSSELL and MR. DICK BUTLER appeared before the Council, stating Austin had the honor of being the first Texas City to play in the Pan American Championship games, which would start next week. The Mayor welcomed

the President of the Texas League, Mr. Butler, and Mr. Russell and stated it was a great occasion that the Senators would play in these games. Mr. Butler stated three games would be played in Austin and the others would be played in Mexico. The Mayor stated the Council would pass a Resolution of Congratulations; and he and the Council would entertain the Mayor of the City of the winning team of Mexico and the team when it arrived in Austin.

The Assistant City Manager stated he had a letter from the Highland Lakes Committee of the Chamber of Commerce, Ed St. John, Director, stating the Committee had plans for getting the American Water Skiing Association to hold a skiing tournament on the new lake, in 1961. They want permission to use the area on the east side and would like to make a bid for the tournament at their next conference. The Committee would have to furnish a bond assuring that everything would be available. The Mayor stated that the Council would be glad to work this out with the Association and Chamber of Commerce, and that details must be looked into, and he wanted someone representing the Association to come down and work out the mechanics and details, with the Chamber of Commerce present.

MR. JOE PERONNE made inquiry about the effective date of tap fees. The Council stated the tap fees went into effect on August 28th.

MAYOR MILLER submitted a letter asking that he proclaim September 17-23 as CONSTITUTION WEEK. The letter was from the Thankful Hubbard Chapter, D.A.R. He stated this would be proclaimed.

MR. LEO L. LEWIS, Pleasant Hill Community, appeared before the Council asking that it take the Water District in the city. The area did not want to be annexed. He submitted a petition asking "that the District be returned immediately to the status they enjoyed beginning in 1938 and continuous to 1955 in which status they enjoyed water rates comparable and equal to that of the City of Austin, Texas. Furthermore this District #5, because of its original status does not come within the category of the other many water districts of Travis County, Texas." Discussion was held and explanations made regarding the status of the community. The Mayor stated that before any consideration could be given, it would be necessary to get facts and figures before the Council.

The City Manager called attention to the two progress reports filed with the Council--Water and Sewer, and Electric Consumption.

The Council recessed at 12:30 P.M.

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

In accordance with published notice, a hearing on the 1959-60 BUDGET was held.

MR. E. R. HALDEN appeared in opposition to raising any taxes.

MRS. JOHN BARROW stated that the citizens were not well enough informed about the revenues coming into the city and suggested more newspaper publicity. Referring to various sections throughout the Budget, she commented on the transfer of Utility Funds to the General Fund as being a sales tax. She stated the percent of increase of the cost of operating the city was higher than the percentage of increase in population and this trend would be a serious problem. She suggested that the \$15,000 allocation for base maps for the schools be reimbursed by the schools; that fees for small private planes that use the Airport be charged; and that a further study be made as to the need of the T.B. Sanatorium. She had no comments on the Recreation and Library Budgets as she said these departments were doing a wonderful job. Mrs. Barrow suggested that an annual report be made from the Statutory Boards, and that the city along with more publicity of its services, include information on its "selling" activities.

MRS. GEORGE FRANCISCO stated it was a pleasure to live in Austin, and she was proud of its recreation program.

Former SENATOR JOE HILL stated there was a five cent increase in taxes and an increase in utility rates, noting the limit on the tax rate and no limit on utility rates. He complained of concealed taxes--the sewer tax included in the water rate, and the tax for running the government as a contribution in the water and light bills. He discussed a deficit of \$1,100,000 in the hospital operations. Discussion of charity patients was held; and also of the agreement with Travis County regarding charity patients and welfare payments. Senator Hill recommended an audit of the drug department at Brackenridge Hospital. He opposed appropriations for supervision on the playgrounds and using tax money for recreation purposes, suggesting that if the recreation program were continued that it be made self-sustaining. The Mayor answered Senator Hill in his inquiries and suggestions, and invited him to come before the Council and help out in some of these issues.

MR. LANE was interested in the charges at the Hospital and suggested that the taxpayer be entitled to some discount whereas those outside of the city be required to pay a little more. He reported a case of some patients at the hospital who had good homes and had children financially able to help them, but they were admitted as staff patients. The Mayor asked him to discuss this with the City Manager.

DR. D. K. BRACE spoke in defense of the budget for the Recreation Department.

A representative from the League of Women's voters expressed appreciation to the Council and City Manager in the presentation of the Budget. She stated this year the League was interested in Planning and Urban Renewal.

In discussion of the Budget, Councilman White asked that on page 99, Utility Fund, Electric Utility, Electric Distribution, Personal Services, the item of Merit Increases and Overtime be separated to show the amount of each instead of a combined amount. The City Manager recommended three increases in salaries, two of which were already set up in this budget, and the other to have \$500 appropriated to add to the new Fire Chief's salary. The three in question were the Chief of Police, the Aviation Director, and the Fire Chief.

Councilman Palmer stated the Council members had studied the budget very carefully as submitted by Mr. Williams.

Mayor Miller introduced the following ordinance:

AN ORDINANCE ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1959, AND TERMINATING SEPTEMBER 30, 1960, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT, PROJECT AND ACCOUNT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager stated that with reference to the adoption of this budget as well as those in the past, that the administrative people did not consider that the adoption of the budget or appropriations of the funds gave the license to spend that amount; and through the year, the expenses will be held down, not to the appropriation, but below the appropriations made. He explained the controls of the expenditures of money throughout the year.

Councilman Bechtol offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the creation of an East - West thoroughfare to connect the Lockhart and Bastrop Highways with the Fredericksburg Road to provide for the free and safe flow of traffic between such highways and intersecting streets within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right of way to permit the creation and construction of said East - West thoroughfare, to be known as Ben White Boulevard; and,

WHEREAS, the City of Austin has negotiated with the owner of said land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land:

0.12 of one acre of land, same being out of and a part of that certain portion of the Charles H. Riddle Survey in the City of Austin, Travis County, Texas, which was conveyed to Delbert Gibson by warranty deed dated October 23, 1948, of record in Volume 930 at page 144 of the Deed Records of Travis County, Texas, said 0.12 of one acre of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake at the southwest corner of the herein described tract of land, same being the point of intersection of the proposed north line of Ben White Boulevard with the present corporate limit line of the City of Austin, Travis County, Texas, as adopted by the City Council of the City of Austin by ordinance dated December 20, 1951, same being the west line of the said Delbert Gibson tract of land;

THENCE with the said present corporate limit line of the City of Austin same being the west line of the said Delbert Gibson tract of land West $40^{\circ} 15'$ East 3.21 feet to the northwest corner of the said Delbert Gibson tract of land same being the southwest corner of Lot No. 23 of Goodnight and Pearson Addition a subdivision of record in Book 5 at page 28 of the Plat Records of Travis County, Texas;

THENCE with the north line of the said Delbert Gibson tract of land, same being the south line of the said Goodnight and Pearson Addition South $60^{\circ} 10'$ East 1039.84 feet pass a concrete monument at the southeast corner of Lot No. 39 of the said Goodnight and Pearson Addition in all 1049.75 feet to a concrete monument at the northeast corner of the said Delbert Gibson tract of land;

THENCE with the east line of the said Delbert Gibson tract of land same being the west line of Manchaca Road South $29^{\circ} 56'$ West 7.12 feet to a point in the proposed north line of Ben White Boulevard;

THENCE with the proposed north line of Ben White Boulevard North $59^{\circ} 57'$ West 1050.40 feet to the point of beginning.

3.88 acres of land, same being out of and a part of that certain portion of the Charles H. Riddle Survey in the City of Austin, Travis County, Texas, which was conveyed

to Delbert Gibson by warranty deed dated October 23, 1948, of record in Volume 930 at page 144 of the Deed Records of Travis County, Texas, said 3.88 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of the herein described tract of land, same being the southeast corner of the said Delbert Gibson tract of land same being the point of intersection of the west line of Manchaca Road with the north line of Allred Lane;

THENCE with the east line of the said Delbert Gibson tract of land, same being the west line of Manchaca Road North 29° 56' East 159.58 feet to a point in the proposed north line of Ben White Boulevard same being the northeast corner of the herein described tract of land;

THENCE with the proposed north line of Ben White Boulevard North 59° 57' West 1050.40 feet to an iron stake in the present corporate limit line of the City of Austin, Travis County, Texas, as adopted by the City Council of the City of Austin by Ordinance dated December 20, 1951, same being the northwest corner of the herein described tract of land;

THENCE with the said present corporate limit line of the City of Austin South 40° 15' West 160.29 feet to the southwest corner of the herein described tract of land same being the southwest corner of the said Delbert Gibson tract of land;

THENCE with the south line of the said Delbert Gibson tract of land in a southeasterly direction to the point of beginning.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman Bechtol offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the creation of an East - West thoroughfare to connect the Lockhart and Bastrop Highways with the Fredericksburg Road to provide for the free and safe flow of traffic between such highways and intersecting streets within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right of way to permit the creation and construction of said East - West thoroughfare, to be known as Ben White Boulevard; and,

WHEREAS, the City of Austin has negotiated with the owner of said land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land:

BEING all of Lot No. 3, Block "C" of Ford Place No. 1, a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Ford Place No. 1 of record in Book 4 at Page 265 of the plat records of Travis County, Texas, which was conveyed to Charles M. Goodnight by Warranty Deed dated July 29, 1957 of record in volume 1843 at page 347 of the deed records of Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman Bechtol offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the creation of an East - West thoroughfare to connect the Lockhart and Bastrop Highways with the Fredericksburg Road to provide for the free and safe flow of traffic between such highways and intersecting streets within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right of way to permit the creation and construction of said East - West thoroughfare, to be known as Ben White Boulevard; and,

WHEREAS, the City of Austin has negotiated with the owner of said land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land:

0.016 of one acre of land, same being out of and a part of that certain portion of Lot 1, Block 2, of Banister Acres a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Bannister Acres of record in book 4, at page 178 of the plat records of Travis County, Texas, which was conveyed to J. R. Durbin Et Ux Lake Durbin by Warranty Deed dated April 15, 1959 of record in volume 2055 at page 202 of the deed records of Travis County, Texas, said 0.016 of one acre of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake set in the west line of the said J. R. Durbin et ux tract of land same being in the proposed south line of Ben White Boulevard same being in the east line of Gillis Street and from which point of beginning another iron stake at the southwest corner of the said Lot 1, Block 2, of Banister Acres bears S 30° 15' W 40.69 feet;

THENCE, with the east line of Gillis Street N 30° 15' E 27.39 feet to an iron stake at the northwest corner of the said J. R. Durbin et ux tract of land;

THENCE, with the north line of the said J. R. Durbin et ux tract of land S 59° 38' E 52.36 feet to an iron stake set in the proposed south line of Ben White Boulevard;

THENCE, with the proposed south line of Ben White Boulevard N 87° 18' W 59.07 feet to the point of beginning.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman Bechtol offered the following resolution and moved its adoption

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the creation of an East - West thoroughfare to connect the Lockhart and Bastrop Highways with the Fredericksburg Road to provide for the free and safe flow of traffic between such highways and intersecting streets within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right of way to permit the creation and construction of said East - West thoroughfare, to be known as Ben White Boulevard; and,

WHEREAS, the City of Austin has negotiated with the owner of said land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land:

0.772 of one acre of land, same being out of and a part of that certain tract of land out of the Isaac Decker League in the City of Austin, Travis County, Texas, which was conveyed to Julius J. Segura and wife Theresa Segura by Warranty Deed dated January 20, 1957 of record in volume 1784 at page 111 of the deed records of Travis County, Texas, which 0.772 of one acre of land is more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of the said Julius J. Segura et ux tract of land same being the northeast corner of the herein described tract of land;

THENCE, with the east line of the said Julius J. Segura tract of land S 30° 10' W 167.64 feet to the southeast corner of the said Julius J. Segura et ux tract of land;

THENCE, with the south line of the said Julius J. Segura tract of land N 59° 50' W 344.57 feet to an iron pin set in the proposed north right-of-way line of South Belt Loop same being the most westerly corner of the herein described tract;

THENCE, with the proposed north line South Belt Loop S 87° 18' E 8.29 feet to an iron pin;

THENCE, continuing with the proposed north line of South Belt Loop N 89° 50' E 324.22 feet to an iron pin in the north line of the Julius J. Segura et ux tract of land;

THENCE, with the north line of the said Julius J. Segura Tract of land S 59° 50' E 57.36 feet to the point of beginning.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman Bechtol offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the creation of an East - West thoroughfare to connect the Lockhart and Bastrop Highways with the Fredericksburg Road to provide for the free and safe flow of traffic between such highways and intersecting streets within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right of way to permit the creation and construction of said East - West thoroughfare, to be known as Ben White Boulevard; and,

WHEREAS, the City of Austin has negotiated with the owner of said land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land:

0.305 of one acre of land, same being out of and a part of Lot 2, Block 1 of Banister Acres, a Subdivision of a portion of the Isaac Decker League, in the City of Austin, Travis County, Texas, according to a map or plat of said Banister Acres of record in Book 4 at page 178 of the Plat Records of Travis County, Texas, which was conveyed to Walter William Hohertz, by warranty deed dated November 16, 1948, of record in Volume 930, at page 310 of the Deed Records of Travis County, Texas; said 0.305 of one acre of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake set in the West line of the said Walter William Hohertz tract of land, same being the proposed North line of Ben White Boulevard and from which point of BEGINNING another iron stake at the Northwest corner of the said Walter William Hohertz tract of land bears North 30° 18' East 35.35 feet;

THENCE, with the proposed North line of Ben White Boulevard South 87° 18' East 75.94 feet to an iron stake set in the South line of Fort View Road, same being the North line of the said Walter William Hohertz tract of land;

THENCE, with the South line of Fort View Road South 59° 33' East 5.28 feet to the Northeast corner of the said Walter William Hohertz tract of land, same being the Northeast corner of the said Lot 2, Block 1 of Banister Acres;

THENCE, with the East line of the said Walter William Hohertz tract of land South 30° 17' West 199.38 feet to an iron stake at the Southeast corner of the said Walter William Hohertz tract of land, same being the Southeast corner of the said Lot 2, Block 1 of Banister Acres;

THENCE, with the South line of the said Walter William Hohertz tract of land North 59° 46' West 72.60 feet to an iron stake at the Southwest corner of the said Walter William Hohertz tract of land same being the Southwest corner of the said Lot 2 Block 1 of Banister Acres;

THENCE, with the West line of the Walter William Hohertz tract of land North 30° 18' East 164.40 feet to the point of BEGINNING.

0.027 of one acre of land, same being out of and a part of Lot 2, Block 1 of Banister Acres, a Subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Banister Acres of record in Book 4 at page 178 of the Plat Records of Travis County, Texas, which was conveyed to Walter William Hohertz by warranty deed dated November 16, 1948, of record in Volume 930 at page 310 of the Deed Records of Travis County, Texas; said 0.027 of one acre of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake at the Northwest corner of the said Walter William Hohertz tract of land, same being the Northwest corner of the said Lot 2 Block 1 of Banister Acres, same also being a point in the South line of Fort View Road and from which point of BEGINNING another iron stake at the Northwest corner of Lot 1, Block 1 of the aforementioned Banister Acres bears North 59° 33' West 72.53 feet;

THENCE, with the South line of Fort View Road South 59° 33' East 67.30 feet to an iron stake set in the proposed North line of Ben White Boulevard;

THENCE, with the proposed North line of Ben White Boulevard North 87° 18' West 75.94 feet to an iron stake set in the West line of the said Walter William Hohertz tract of land, same being the West line of the said Lot 2, Block 1 of Banister Acres;

THENCE, with the West line of the said Walter William Hohertz tract of land North 30° 18' East 35.35 feet to the point of BEGINNING.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE ELECTRIC LIGHT AND POWER WORKS AND SYSTEM OF THE CITY OF AUSTIN FOR DOMESTIC, COMMERCIAL, AND OTHER USES OF ELECTRIC LIGHT AND POWER SOLD AND SERVICED BY THE CITY OF AUSTIN; REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS, OR PARTS OF THE SAME, IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Palmer moved that they engage the auditing services of the firm of WADE, BARTON & MARSH, at the same fee. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
 Noes: None

The City Manager went over a proposal of getting out information on revenues and services that he would like to publicize.

The City Manager gave a brief comparison of the gross revenue of our Power and Light System with others in the state and United States, and that the Austin system is running along with all the others, and has better rates than any except Houston.

The Council received notice from the City Manager that the following zoning applications had been referred to the Planning Commission and had been set for public hearing before the Council for October 15, 1959:

HARRELL ESTATE By David Harrell & O. D. Wagoner	3401 Bailey Lane 1204-08 West 34th Street	From "A" Residence To "GR" General Retail
HOUSING RENTALS, INC. By W.H. Bullard	4915-17 Airport Boulevard 905 East 50th Street	From "A" Residence To "C" Commercial
CLARENCE H. STUMPF	501-05 West 30th Street 2912-16 Fruth Street	From "B" Residence To "O" Office
CRESTVIEW HOME BUILDERS, By Ray Yates	7817-19 Mullen Drive 1813-17 Anderson Lane	From "A" Residence To "GR" General Retail
ARTHUR G. FALK & THELMA LOVELESS FALK By Frank McBee	2204-08 South 1st Street	From "A" Residence 1st To "C" Commercial 2nd Height and Area
ROBERT H. BOWMAN & J.T. BOWMAN ESTATE	1901 Robbins Place 1006-10 West 19th Street	From "B" Residence To "O" Office
EMILY J. HEIDT, et al By Jerome Sneed, Jr.	1505-1605 West Lynn 1506-08, 1519 Murray Lane 1712-14 Windsor Road	From "B" Residence To "A" Residence
MRS. JACK HUDSPETH & MRS. BERNICE MESSOLONGHITES By George T. Wall	5900 Woodrow Avenue 1400-02 Koenig Lane	From "A" Residence To "LR" Local Retail

There being no further business, the Council adjourned at 6:00 P.M.,
subject to the call of the Mayor.

APPROVED

Tom Miller
Mayor

ATTEST:

Elsie Hawley
City Clerk